

Vice Chairman, William Nelson, called the meeting of the Building Code Board of Appeals to order at 8:35 A.M., on Wednesday, September 4, 2002.

PRESENT: Rick Kessler
William Need
William Nelson
Frank Zuazo

ALSO PRESENT: Mark Stimac
Pam Pasternak

ABSENT: Ted Dziurman

ITEM #1 – APPROVAL OF MINUTES, MEETING OF AUGUST 7, 2002

Motion by Need
Supported by Kessler

MOVED, to approve the minutes of the meeting of August 7, 2002 as written.

Yeas: 3 – Kessler, Need, Zuazo
Abstain: 1 – Nelson
Absent: 1 – Dziurman

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 – VARIANCE REQUEST. MARC LEDERMAN, ALMAR HOMES, INC., 6113 EVANSWOOD, for relief to construct a 6' high privacy fence in the required front setback along Songbird.

Mr. Stimac explained that the petitioner is requesting relief to install a fence along the north property line of 6113 Evanswood. With the development of the new subdivision and street adjacent to the property, this lot is a double front corner lot. As such, it has a front yard along both Evanswood and the new street Songbird. Chapter 83 limits the height of fences in required front yards to 30" in height. The permit application submitted indicates a 6' high privacy fence in the front yard along Songbird.

This item first appeared before this Board at the meeting of August 7, 2002 and was postponed to allow the petitioner to evaluate the possibility of relocating the fence, and for the petitioner to bring in his landscape plans for review. Revised plans have been provided.

Mr. Lederman was present. Mr. Need asked if the landscaping plans had been submitted to the Parks and Recreation Department for approval. Mr. Lederman indicated that Mr. Hynd had received a copy of the landscaping plans last week, however, Mr. Lederman has not heard from him at this point.

Mr. Nelson opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

ITEM #2 – con't.

There are three (3) written objections on file. There is one (1) written approval on file.

Mr. Stimac asked the petitioner how close the fence would be to Evanswood. Mr. Lederman indicated that the fence would not be in the front yard of Evanswood.

Motion by Need

Supported by Kessler

MOVED, to grant the request of Marc Lederman, Almar Homes, Inc., 6113 Evanswood, for relief to construct a 6' high privacy fence in the required front setback 5 feet from the north property line along Songbird.

- Approval of landscape plans required by the Parks and Recreation Department.
- If the Parks and Recreation Department do not approve plans, a new fence plan will be required.

Yeas: 4 – Need, Nelson, Zuazo, Kessler

Absent: 1 – Dziurman

MOTION TO APPROVE REQUEST CARRIED

ITEM #3 – VARIANCE REQUEST. SUSAN SCHUMANN, 2763 E. WATTLES, for relief of Chapter 83 to install a 48" high fence.

Mr. Stimac explained that the petitioner is requesting relief to install a 48" high fence in the front yard setback. Currently, there is an existing 48" high chain link fence located at the 33' right-of-way line. The City of Troy is in the process of acquiring additional right of way to the 60' right of way line as part of a Wattles Road improvement project. The application submitted indicates moving this fence to the 60' right-of-way line. This location is within the front yard. Chapter 83 limits the height of fences in front yards to 30".

Ms. Susan Schumann was present. Ms. Larysa Figol, representative of the City of Troy, Real Estate and Development, was also present and stated that due to the proposed widening of Wattles Road; additional land was acquired for the new right of way. Ms. Figol went on to say that a right turn lane will be put in on Forsyth, and Ms. Schumann just wishes to move the fence in back of the sidewalk. Mr. Need asked why Ms. Schumann wanted the fence, and Ms. Schumann stated that she wanted to provide safety for her children due to increased traffic.

Mr. Nelson opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There is one (1) written approval on file. There are no written objections on file.

ITEM #3 – con't.

Motion by Kessler

Supported by Need

MOVED, to grant Susan Schumann, 2763 E. Wattles, relief of Chapter 83 to install a 48" high fence at the 60' right of way line.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- Variance results in the fence being farther back from the center of the road than it is located now.

Yeas: 4 – Need, Nelson, Kessler, Zuazo

Absent: 1 – Dziurman

MOTION TO GRANT VARIANCE CARRIED

ITEM #4 – VARIANCE REQUEST. DAVID KUJAWA, 3310 HARMONY, for relief of Chapter 83 to erect a 6' high privacy fence.

Mr. Stimac explained that the petitioner is requesting relief to install a 6' high privacy fence at 3310 Harmony. This lot is at the northeast corner of Harmony and Lakewood and is a double front corner lot. As such, it has a front yard along both Harmony and Lakewood. The fence ordinance limits the height of fences in the front yard to not more than 30" in height. A variance from the Building Board of Appeals in 1977 allowed for a similar fence to be installed 18' from the property line. The petitioner is requesting approval to replace this existing fence with a new one. The appeal application submitted indicates a 6' high privacy fence setback 6' from the property line along Lakewood.

Mr. Kujawa was present and stated that he wished to increase his yard space for his three young children. Mr. Kujawa also stated that he did not believe this fence would create a safety hazard as he did not think it would affect the visibility when backing out of the driveway.

Mr. Nelson opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are four (4) written approvals on file. There is one (1) written objection on file.

Mr. Need asked why Mr. Kujawa wanted a fence that would be 6' high. Mr. Kujawa stated that he has three (3) young children who play soccer and baseball and he did not feel that a shorter fence would provide the protection he is looking for. Mr. Kujawa also stated that he wanted the privacy. Mr. Need stated that he felt that Mr. Kujawa could achieve the privacy he desired with alternative methods, and did not feel that Mr. Kujawa demonstrated a hardship. Mr. Need went on to say that the same effect could

ITEM #4 – con't.

be achieved with a cyclone fence and additional landscaping. Mr. Kujawa stated that the reason he wished to put the fence in this area was to enclose two mature pine trees that are on his property.

Mr. Nelson asked if the existing fence could be replaced without a new variance. Mr. Stimac stated that because of previous action by the Building Code Board of Appeals, the existing fence could be replaced in the same location without an additional variance.

Mr. Nelson also stated that currently the existing fence is 19' from the sidewalk and the petitioner is now requesting to put up a new fence, which would be 7' from the sidewalk. Mr. Kessler stated that this Board likes to see privacy fences setback at least 10' from the property line to allow for additional landscaping to be added in order to break up the fence line. Mr. Kujawa indicated that the fence came in six-foot long sections and that a ten-foot setback would not be possible. Mr. Kessler also asked how far the current fence is from the driveway and Mr. Kujawa stated that it is 10' from the driveway. Mr. Kujawa indicated that the new fence would be installed closer to the driveway and would enclose the existing trees.

Mr. Zuazo stated that he thought that Mr. Kujawa had indicated that he planned on removing the existing trees, and Mr. Kujawa stated that he was not sure if he would keep one or both of the trees. Mr. Kujawa did state that he would remove the lower branches.

Mr. Need also asked what type of fencing would be installed and Mr. Kujawa stated that it was a vinyl privacy fence.

Motion by Need

Supported by Kessler

MOVE, to grant David Kujawa, 3310 Harmony, relief of Chapter 83 to erect a 6' high privacy fence set back 12' from the property line.

- Setback would allow for additional landscaping to be added.
- Variance would not be contrary to public interest.

Yeas: 4 – Zuazo, Nelson, Need, Kessler

Absent: 1 – Dziurman

MOTION TO GRANT VARIANCE CARRIED

ITEM #5 – VARIANCE REQUEST. THOMAS MCDONALD, OF THE BUDD COMPANY, 3155 W. BIG BEAVER, for relief to replace an existing sign.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 to replace an existing 70 square foot tenant identification wall sign with a 22.2 square foot tenant identification sign. Section 9.03.03, D of the Sign ordinance limits the size of a tenant wall sign to 20 square feet. The original sign was granted a variance in 1976 by the Building Code Board of Appeals.

Mr. Paul Flancbaum and Mr. Jerry Kline were present and stated that the Budd Company is undergoing major changes. Mr. Kline further stated that the new signs are made in Germany and are all a uniform size. Mr. Kline also said that they will actually be reducing the size of this sign by 60%.

Mr. Nelson opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

Motion by Need
Supported by Kessler

MOVED, to grant Thomas McDonald, of the Budd Company, 3155 W. Big Beaver, relief of Chapter 78 to replace an existing 70 square foot sign with a 22.2 square foot tenant identification sign.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect on surrounding property.
- The new sign is in fact smaller than the existing sign.

Yeas: 4 – Need, Nelson, Zuazo, Kessler
Absent: 1 – Dziurman

MOTION TO GRANT VARIANCE CARRIED

ITEM #6 – VARIANCE REQUEST. THOMAS MCDONALD, OF THE BUDD COMPANY, 2855 COOLIDGE, for relief to install a 22.2 square foot sign on the second floor of this building.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 to replace an existing 70 square foot tenant identification wall sign, which is located on the third floor, with a 22.2 square foot tenant identification sign to be located on the second floor. The original sign was granted a variance by City Council in 1977. Section 9.03.03, D of the Sign Ordinance limits the size of a tenant wall sign to 20 square feet and requires that the sign be located on the first floor.

ITEM #6 – con't.

Mr. Paul Flancbaum and Mr. Jerry Kline were present and stated that the Budd Company is undergoing major changes. Mr. Kline further stated that the new signs are made in Germany and are all a uniform size. Mr. Kline also said that they will actually be reducing the size of this sign by 70% and also they will remove the sign from the third floor and install it on the second floor.

Mr. Nelson opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

Motion by Need

Supported by Kessler

MOVED, to grant Thomas McDonald, of the Budd Company, 2855 Coolidge, relief to install a 22.2 square foot sign on the second floor of this building.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect on surrounding property.
- New sign will be smaller than existing sign.

Yeas: 4 – Kessler, Need, Nelson, Zuazo

Absent: 1 – Dziurman

MOTION TO GRANT REQUEST CARRIED

ITEM #7 – VARIANCE REQUEST. HARLEY ELLIS, 4550 INVESTMENT (PROPOSED ADDRESS), for relief of the Michigan Building Code 2000, with amendments.

Mr. Stimac explained that the petitioners are the architects for a new two-story office building, under construction at the corner of Investment Drive and Crooks Road. Petitioners are requesting relief of the 2000 Michigan Building Code, specifically Section 1005.3.2.1 (Vertical Enclosure Exterior Walls), to allow a reduction in rating of exterior walls within 10 feet horizontally adjacent to stairway. The code requires that when the exterior walls of a stairway enclosure are not rated then the walls adjacent to the stairway be rated to at least a one-hour rating for a distance of 10 feet. The petitioner's plans have a glass wall enclosing the exterior wall of the stairway on the east side of the building. The plans also indicate unprotected windows in the adjacent walls within 10 feet of the stairway enclosure walls.

Mr. Dean Johns and Ms. Anne Bernardini were present. Mr. Johns stated that they are planning to add a water curtain, which would increase the fire safety of this location. Ms. Bernardini stated that because this part of the building will face Crooks Road, they

ITEM #7 – con't.

wanted it to be aesthetically pleasing, and believe that the window will look much better than a brick wall.

Mr. Need asked Mr. Nelson to explain a water curtain and Mr. Nelson stated that it is a special type of sprinkler, which provides higher protection from fire. Mr. Nelson also stated that he had discussed this matter with the fire prevention people and they felt that this was a reasonable request. Mr. Stimac explained that the water curtain is only proposed to be placed on the interior.

A discussion ensued regarding the 2000 Michigan Building Code requirements for stairway enclosures as they would apply in this case.

Motion by Need

Supported by Kessler

MOVED, to postpone the request of Harley Ellis, 4450 Investment (proposed address), for relief of the Michigan Building Code 2000 with amendments until the next scheduled meeting of the Building Code Board of Appeals, which is October 2, 2002.

- To allow Building Department personnel to discuss an alternative plan with the petitioner.

Yeas: 4 – Zuazo, Kessler, Need, Nelson

Absent: 1 – Dziurman

MOTION TO POSTPONE REQUEST UNTIL THE NEXT MEETING OF OCTOBER 2, 2002 CARRIED

The Building Code Board of Appeals meeting adjourned at 9:25 A.M.

MS/pp